

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1738 be amended to read as follows:

- 1           Page 2, between lines 17 and 18, begin a new paragraph and insert:  
2           "SECTION 6. IC 7.1-2-2-5 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. Prosecutor: Powers  
4           and Duties. The prosecutor shall have the following powers and duties:  
5           (a) To prosecute before the commission all violations of laws  
6           pertaining to alcohol, ~~and~~ alcoholic beverages, **and tobacco, including**  
7           **violations pertaining to tobacco vending machines;**  
8           (b) To prosecute before the commission all violations of the rules  
9           and regulations of the commission;  
10           (c) To assist the prosecuting attorneys of the various judicial circuits  
11           in the investigation and prosecution of violations of laws pertaining to  
12           alcohol, ~~and~~ alcoholic beverages, **and tobacco, including violations**  
13           **pertaining to tobacco vending machines,** and to represent the state in  
14           these matters;  
15           (d) To appear before grand juries to assist in their investigations into  
16           matters pertaining to alcohol, ~~and~~ alcoholic beverages, **and tobacco,**  
17           **including matters pertaining to tobacco vending machines;**  
18           (e) To establish a seal of his office;  
19           (f) To administer oaths and to do all other acts authorized by law for  
20           notaries public; and,  
21           (g) To employ, with the consent of the commission and at salaries  
22           fixed by the commission in their budget, the clerical staff required by  
23           him to effectively discharge his duties."  
24           Page 3, line 25, delete "revokes" and insert "**suspends**".

- 1 Page 3, line 31, delete "or revoke".
  - 2 Page 3, line 34, delete "penalty, suspending, or revoking" and insert
  - 3 **"penalty or suspending"**.
  - 4 Page 3, line 38, delete "penalty, suspension, or revocation" and
  - 5 insert **"penalty or suspension"**.
  - 6 Page 3, line 39, after "Sec. 6." insert **"(a)"**.
  - 7 Page 3, line 40, after "expired;" insert **"or"**.
  - 8 Page 3, line 41, delete "or".
  - 9 Page 3, delete line 42.
  - 10 Page 4, between lines 4 and 5, begin a new paragraph and insert:
  - 11 **"(b) The failure to pay a civil penalty described in subsection (a)**
  - 12 **is a Class B infraction."**.
  - 13 Page 4, line 7, delete "Class B misdemeanor." and insert **"Class A**
  - 14 **infraction."**.
  - 15 Page 5, reset in roman lines 29 through 34.
  - 16 Page 5, line 35, reset in roman "(g)".
  - 17 Page 5, line 35, delete "(f)".
  - 18 Page 7, between lines 16 and 17, begin a new paragraph and insert:
  - 19 **"(h) A person who violates subsection (a) at least six (6) times in**
  - 20 **any six (6) month period commits habitual illegal sale of tobacco,**
  - 21 **a Class B infraction."**.
  - 22 Page 7, reset in roman lines 8 through 13.
  - 23 Page 7, line 14, reset in roman "(g)".
  - 24 Page 7, line 14, delete "(f)".
  - 25 Renumber all SECTIONS consecutively.
- (Reference is to HB 1738 as printed February 26, 2003.)

---

Representative Lytle